

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	SECOND PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO
	:	<u>SUBSTITUTE ASSETS</u>
REGINALD D. FOWLER,	:	
	:	S3 19 Cr. 254 (ALC)
Defendant.	:	
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WHEREAS, on or about February 20, 2020, REGINALD D. FOWLER (the “Defendant”), was charged in a five-count Superseding Indictment, S3 19 Cr. 254 (ALC) (the “Indictment”), with conspiracy to commit bank fraud in violation of Title 18, United States Code, Section 1349(Count One), bank fraud in violation of Title 18, United States Code, Sections 1344 and 2 (Count Two); conspiracy to operate an unlicensed money transmitting business in violation of Title 18, United States Code, Section 371 (Count Three); operation of an unlicensed money transmitting business in violation of Title 18, United States Code, Sections 1960 and 2 (Count Four); and wire fraud in violation of Title 18, United States Code, Sections 1343 and 2 (Count Five);

WHEREAS, on or about April 25, 2022, the Defendant pled guilty to Counts One through Five of the Indictment, pursuant to a plea agreement with the government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One through Five of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 982(a)(2)(A), and Title 18, United States Code, Section 982(a)(1);

WHEREAS, on June 29, 2023, the Court entered an Amended Preliminary Order of Forfeiture as to Specific Property and Money Judgment (the “Amended Order of Forfeiture”),

imposing a money judgment against the Defendant in the amount of \$740,249,140.52 in United States currency (the “Money Judgment”) representing pursuant to (i) Title 18, United States Code, Section 98(a)(2)(A), the proceeds traceable to the offenses charged in Counts One and Two of the Indictment that the Defendant personal obtained; and (ii) Title 18, United States Code, Section 982(a)(1), the property involved in the offenses charged in Counts Three and Four of the Indictment; and forfeiting all right, title and interest of the Defendant in various specific property (the “Specific Property”)(D.E. 146);

WHEREAS, on or about May 15, 2024, the Court entered a Final Order of Forfeiture forfeiting all right, title and interest in the Specific Property to the Government (D.E. 162);

WHEREAS, \$672,064,622.57 of the Money Judgment against the Defendant remains unpaid;

WHEREAS, the Government, despite its exercise of due diligence, has been unable to locate, obtain or collect any assets traceable to the remaining proceeds of the Defendant’s offenses to satisfy the outstanding Money Judgment;

WHEREAS, the United States has located the following assets of the Defendant:

- a. Thor, LLC;
- b. 301 9th Avenue South, LLC;
- c. 309 9th Avenue South, LLC;
- d. 811 3rd Street South, LLC; and
- e. 240 Park Avenue, LLC

(a. through e., collectively, the “Substitute Assets”); and

WHEREAS, the Government is seeking the forfeiture of all of the Defendant's right, title and interest in the Substitute Assets, and to have them, once forfeited, applied as a payment towards the satisfaction of the Defendant's outstanding Money Judgment.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Second Preliminary Order of Forfeiture of Substitute Assets, the United States (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep it in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Second Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute

Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Second Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Dated: New York, New York
November __, 2024

SO ORDERED:

HONORABLE ANDREW L CARTER, JR.
UNITED STATES DISTRICT JUDGE